

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ELAINE L. CHAO,)	
Secretary of Labor,)	
United States Department of Labor)	Civil Action
)	No. 04-CV-40112- MM FDS
Plaintiff,)	
)	
V.)	
)	
LOCAL 170, INTERNATIONAL)	
BROTHERHOOD OF TEAMSTERS)	
)	
Defendant)	

CONSENT JUDGMENT

The parties hereby stipulate and agree to a settlement of this action as follows:

1. Plaintiff brought this action under Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (Act of September 14, 1959, 73 Stat. 519, et seq., 29 U.S.C. 481, et seq.) (Hereafter, "the Act") to set aside the defendant's November 9, 2003, election of the offices of Secretary-Treasurer and Third Trustee, which election was subject to the provisions of Title IV of the Act.
2. Plaintiff alleged in her Complaint that violations of Title IV of the Act occurred in connection with the election referred to in paragraph one.
3. The parties hereby stipulate and agree that a new election for the offices of Secretary-Treasurer and Third Trustee shall be conducted. The election shall be conducted under the supervision of the Plaintiff, in accordance with Title IV of the Act (29 U.S.C. §481 et seq.) and, insofar as lawful and practicable, with

the International Brotherhood of Teamsters Constitution and the Local 170 By-laws. Such election shall be conducted no later than October 31, 2004. If, for some reason, the candidates for office as of the election of November 9, 2003, are unable to run in the re-election, new nominations shall be held for the officer positions affected.

4. The defendant enters into this Consent Decree in order to avoid future costs of litigation and to promote the finality of its 2003 election of officers.
5. A pre-election conference shall be held by the plaintiff at a site provided by the defendant, not later than September 15, 2004. The conference will be used to establish the rules and procedures to be followed in the election. The conference shall be open to all Local 170 members. No less than fifteen days prior to the pre-election conference, a notice announcing the conference shall be posted at all facilities.
6. The parties stipulate and agree that in the election scheduled for not later than October 31, 2004, no monies received by way of dues, assessment, or similar levy shall be used to prepare and or distribute union election materials that promote the candidacy of the incumbent Secretary-Treasurer and/or the Third Trustee. This prohibition shall not apply to impartial election educational materials.
7. All decisions of the plaintiff as to the interpretation or application of Title IV of the Act relating to the supervised election shall be final.
8. The Court shall retain jurisdiction of this action, and after completion of the election, the plaintiff shall

certify to the Court the name of the persons so elected, and shall certify that such election was conducted in accordance with Title IV of the Act, and the provisions of the Constitution and By-Laws as referred to in paragraph four, if it is so. Upon approval of such certification, the Court shall enter a judgment declaring that such persons have been elected as shown by the certification.

9. After the Court has approved the certification of the election, installation of the newly-certified officers shall be conducted at the next regularly scheduled membership meeting following the certification. The elected candidates shall serve the balance of the term begun at the installation of the original two officers.
10. The parties agree that each party shall bear its own fees and other expenses, including attorney's fees, incurred by such party in connection with any stage of this proceeding.

SO ORDERED, On This _____ Day of August 2004.

F. DENNIS SAYLOR IV
UNITED STATES DISTRICT COURT JUDGE

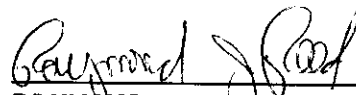
Agreed to by the Parties:

MICHAEL J. SULLIVAN
United States Attorney

DATED:

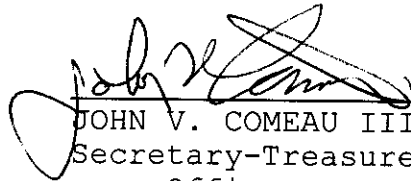
Anita Johnson
ANITA JOHNSON
Assistant U.S. Attorney
Moakley U.S. Courthouse, Ste. 9200
Boston, MA 02110
617-748-3266

DATED: 8/19/04



RAYMOND J. REED
Reed & Reed
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Worcester, Mass. 01609
Counsel for Defendant

DATED: 8/19/04



JOHN V. COMEAU III
Secretary-Treasurer/Principal
Officer
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International Brotherhood of
Teamsters
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For Defendant